IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY SEVENTH DAY OF JANUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE B.PRAKASH RAO

WRIT PETITION NO : 10417 of 2001

Between:

M/s. Ankith Steel Enterprises, Rep. by its Proprietor, Om Prakash,
7-3-109, Kattedan, Ranga Reddy District.

..... PETITIONER

AND

1 Transmission Corporation of A.P.Limited, Rep. by its Managing Director, (AP TRANSCO), Vidyut Soudha, Khairatabad, Hyderabad.
2 The Superintending Engineer, Electrical, Operation, RR Circle, Central Power Distribution Co. of A.P. Limited, A.P.Transco, Mint Compound, Hyderabad.
3 The Assistant Divisional Engineer, Electrical, Operation, Central Power Distribution Co. of A.P. Limited, A.P.Transco, Gaganpahad, Hyderabad.

.....RESPONDENTS.

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ, order or direction more particularly one in the nature of Writ of Mandamus the order No.SE/OP/RRD/SAO/HT/D.No.675/2001 dt. 16.4.2001 of the 2nd respondent is highly illegal, arbitrary, unjust and contrary to Section 49(1) of the Indian Electricity (Andhra Pradesh) Act, 2000 and also violative of Principles of Natural Justice and consequently set aside the same.

Counsel for the Petitioner: MR.D.V.NAGARJUNA BABU

Counsel for the Respondent Nos.1 to 3: SRI J.SIDDAIAH, Standing Counsel for AP TRANSCO.

The Court made the following :

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ORDER:

Heard Sri V.Nagarjuna Babu, the learned counsel appearing for the petitioner and Sri N.Subba Reddy, Senior Counsel for
Sri J.Siddaiah, the learned Standing Counsel for the respondents.

The petitioner, which is carrying on business in manufacture of M.S. rods, seeks to assail the impugned proceedings dated 16.04.2000 passed by the second respondent, *inter alia,* on the ground that having regard to the provisions existing and the cause of action arising in this case, it is the Chief Electrical Inspector who has got jurisdiction to decide the dispute. In support, he placed reliance on the decision of the Full Bench of this Court in ***Klayman Procelains Limited, Hyderabad and others v. Superintending Engineer, Operation, Mahabubnagar Circle, A.P.S.E.Board, Hyderabad and others.*** Further the learned Single Judge of this Court has also disposed of the writ petition in W.P.No.7988 of 2004, dated 03.12.2004 in seeking to refer the matter to the Chief Electrical Inspector of the said concern holding that the similar such authority is incompetent. Following the same, the writ petition is accordingly allowed and the impugned orders are set aside. The parties are at liberty to approach the appropriate authority and pursue proper remedy in accordance with law by referring the dispute to the Chief Electrical Inspector as laid down by the aforesaid decision of the Full Bench.

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B. PRAKASH RAO, J

27th January 2005.

Chvn.

That Rule Nisi has been made absolute as above.

Witness the Hon'ble Sri Devinder Gupta, the Chief Justice on this the Thursday, the Twenty seventh day of January Two thousand and five.

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ASSISTANT REGISTRAR.

// TRUE COPY//

SECTION OFFICER.

To

1 The Managing Director, (AP TRANSCO),Transmission Corporation of A.P.Limited, Vidyut Soudha, Khairatabad, Hyderabad.
2 The Superintending Engineer, Electrical, Operation, RR Circle, Central Power Distribution Co. of A.P. Limited, A.P.Transco, Mint Compound, Hyderabad.
3 The Assistant Divisional Engineer, Electrical, Operation, Central Power Distribution Co. of A.P. Limited, A.P.Transco, Gaganpahad, Hyderabad.

4 Two C.D. copies.